

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2442  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2011-558**

11 **HEATHER ELLEN CHASE**  
12 **129 N. Sparks St., Apt. B**  
**Burbank, CA 91506**  
13 **Registered Nurse License No. 481173**

**A C C U S A T I O N**

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs.

20 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered  
21 Nurse License Number 481173 to Heather Ellen Chase ("Respondent"). The Registered Nurse  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on February 29, 2012, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"), under  
26 the authority of the following laws. All section references are to the Business and Professions  
27 Code ("Code") unless otherwise indicated.  
28

1  
2 **STATUTORY PROVISIONS**

3 4. Section 490 provides:

4 “(a) In addition to any other action that a board is permitted to take against a licensee, a  
5 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
6 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
7 or profession for which the license was issued.

8 (b) Notwithstanding any other provision of law, a board may exercise any authority to  
9 discipline a licensee for conviction of a crime that is independent of the authority granted under  
10 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
11 of the business or profession for which the licensee's license was issued.

12 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
13 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
14 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
15 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
16 made suspending the imposition of sentence, irrespective of a subsequent order under the  
17 provisions of Section 1203.4 of the Penal Code.”

18 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,  
19 including a licensee holding a temporary or an inactive license, for any reason provided in Article  
20 3 (commencing with section 2750) of the Nursing Practice Act.

21 6. Section 2761 provides, in pertinent part:

22 “The board may take disciplinary action against a certified or licensed nurse or deny an  
23 application for a certificate or license for any of the following:

24 (a) Unprofessional conduct, which includes, but is not limited to, the following:

25 . . . .

26 (f) Conviction of a felony or of any offense substantially related to the qualifications,  
27 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
28 conclusive evidence thereof.”

1       7.    Section 2762 of the Code provides, in pertinent part,  
2        “In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the  
4 following:

5        ...

6       (b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11       (c) Be convicted of a criminal offense involving the prescription, consumption, or self-  
12 administration of any of the substances described in subdivisions (a) and (b) of this section, or the  
13 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)  
14 of this section, in which event the record of the conviction is conclusive evidence thereof.

15       (d) Be committed or confined by a court of competent jurisdiction for intemperate use of or  
16 addiction to the use of any of the substances described in subdivisions (a) and (b) of this section,  
17 in which event the court order of commitment or confinement is prima facie evidence of such  
18 commitment or confinement.”

19       8.    Section 2764 provides, in pertinent part, that the expiration of a license shall not  
20 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
21 to render a decision imposing discipline on the license.

#### 22                                   REGULATORY PROVISIONS

23       9.    California Code of Regulations, title 16, section 1444, provides:

24        “A conviction or act shall be considered to be substantially related to the qualifications,  
25 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
26 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
27 safety, or welfare.

28       Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

#### **COST RECOVERY**

9. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Conviction of Substantially-Related Crimes)**

10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and section 490 of the Code, as defined in California Code of Regulations, title 16, section 1444, in that on or about May 28, 2010, after pleading no contest, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152 (a) (driving under the influence), and one count of violating Penal Code section 148(a)(1) (resisting arrest) in the criminal matter entitled *The People of the State of California v. Heather Ellen Chase* (Super. Ct. Los Angeles County, 2010, No. 0BR00372). Respondent was placed on probation for three years. Respondent was ordered to serve thirty days in the Los Angeles County Jail, attend a nine month licensed first offender alcohol education program, and pay fines. The basis for the conviction is that on or about February 5, 2010 around 11:58 p.m., while leaving Smokehouse restaurant, Respondent backed her vehicle into another parked car and then fled the scene. While fleeing the scene, Respondent collided with two additional vehicles. Officers with the Burbank Police Department caught up with Respondent and conducted an enforcement stop. Respondent displayed the objective signs of alcohol intoxication and admitted to drinking alcohol before driving. Respondent was uncooperative with the police officers; she refused to answer questions, and

1 refused to follow simple instructions. Once Respondent was booked at the jail, Respondent  
2 physically struggled with the officers, grabbing and scratching them.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 11. Respondent is subject to disciplinary action under section 2762, subdivision (b) of the  
6 Code, in that Respondent used alcohol to an extent or in a manner dangerous or injurious to  
7 herself, and the public. Complainant refers to, and by this reference incorporates, the allegations  
8 set forth above in paragraph 10, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Conviction for Alcohol Related Offense)**

11 12. Respondent is subject to disciplinary action under section 2762, subdivision (c) of the  
12 Code, in that Respondent was convicted of a crime involving the use of alcohol. Complainant  
13 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as  
14 though set forth fully.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Confined by Court for Use of Alcohol)**

17 13. Respondent is subject to disciplinary action under section 2762, subdivision (d) of the  
18 Code, in that Respondent was confined by a court of law for the intemperate use of alcohol.  
19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraph 10, as though set forth fully.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board of Registered Nursing issue a decision:

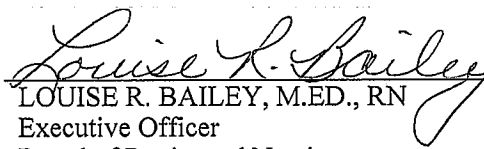
24 1. Revoking or suspending Registered Nurse License Number 481173, issued to Heather  
25 Ellen Chase;

26 2. Ordering Heather Ellen Chase to pay the Board of Registered Nursing the reasonable  
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
28 Code section 125.3;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/22/10

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2010601381  
60589185.doc